

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

6 DUNN & BLACK, P.S.,)
7 Plaintiff,)
8 -vs-) NO. CV-04-0229-LRS
9 THE UNITED STATES OF AMERICA; and)
10 ENVIRONMENTAL RECLAMATION, INC., an) ORDER OF DISMISSAL FOR LACK
11 Idaho corporation; and JOHN DOE) OF SUBJECT MATTER
12 CORPORATIONS 1-10,) JURISDICTION AND CLOSING
13 Defendants.) FILE
14 -----)
15 FIDELITY AND DEPOSIT COMPANY OF)
16 MARYLAND, a Maryland corporation,)
17 and AMERICAN GUARANTY & LIABILITY)
18 INSURANCE COMPANY, a New York)
19 corporation,)
20 Intervenors.)

17 On February 25, 2005, this Court entered an order denying
18 Plaintiff Dunn and Black P.S.'s Motion for Summary Judgment; denying
19 Intervenors' Motion for Declaratory Judgment; and finding as moot
20 Intervenors' Alternative Motion for Stay. (Ct. Rec. 78). On March
21 23, 2005, Plaintiff Dunn and Black filed a Notice of Appeal to the
22 Ninth Circuit Court of Appeals, appealing the Order of February 25,
23 2005. On September 10, 2007, the Court received a Mandate from the
24 Ninth Circuit Court of Appeals with instructions to dismiss the case
25 for lack of subject matter jurisdiction. (Ct. Rec. 116).

Accordingly, the Clerk of the Court is hereby **DIRECTED** to dismiss this case for lack of subject matter jurisdiction and close this file.

IT IS SO ORDERED.

The District Court Executive is **DIRECTED** to file this Order, and provide copies to counsel.

DATED this 11th day of September, 2007.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE